

ROBERT P. LEIGHTON

ATTORNEY AT LAW

132 NASSAU STREET, SUITE 900
NEW YORK, NEW YORK 10038

TEL. NO.: 1(212) 267-6019

FACSIMILE NO.: 1(212) 619-2340

E-MAIL: BOBMYWAY@YAHOO.COM



March 28, 2012

Hon. Frederic Block
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: US v. Walter Samperi
11-cr-00004(FB)

Dear Judge Block,

I am enclosing for your convenience 2 copies of our sentencing memorandum for Mr. Samperi and 10 letters from family and friends.

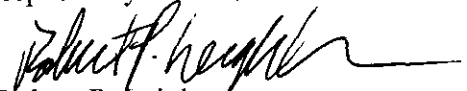
The Letters are from

1. Jennifer Samperi (Wife)
2. Alissa Romano (Step-Daughter)
3. Ashley Reynolds (Step-Daughter)
4. Christopher Reynolds (Step-Son)
5. Anthony Samperi (Brother)
6. Danielle Cannistraci (Relative)
7. Frances and Salvatore Cannistraci (Relatives)
8. Terese Flanagan (Friend)
9. Vincenzo Vitello (Friend)
10. Nicholas Vitale (Friend)

I am also enclosing a copy of our objections to the Pre-Sentence Report that was forwarded to the Probation Department and the United States Attorney's Office on March 26, 2012.

An Affidavit of Service upon the Government of this document is attached at the end of the memorandum.

Respectfully Submitted



Robert P. Leighton
Attorney for Walter Samperi

cc: Elizabeth Geddes & Allon Lifshitz AUSA

Jennifer Samperi
8792 Bay 16th Street
Brooklyn New York 11214

March 27, 2012

Honorable Frederic Block
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

To the Honorable Frederic Block:

Your Honor I'm writing you this letter on behalf of my husband Walter Samperi and to explain to you what type of man you will have standing in front of you on April 13th 2012. The man that will stand before you on this day is not only my husband he is my best friend. Walter is a kind and gentle man whom I married on October 7th 2009. Walter and I met back in 2002 it was love at first site. I know everyone say's this but we truly were inseparable it's been almost 10 years now and minus our separation for his treatment and jail time we haven't been apart not even for a day and he is still the only man for me. When Walter and I met he immediately took on the roll of being a daddy, without hesitation my children having no biological father in their lives, they took well to our relationship they adored him from day one.

However you would think being there is a gap in age I being the older one, that he would be just like any other 23 year old out partying and enjoying life. Instead he was driving me to work and driving little kids to school and then picking them up and doing homework, something he enjoyed doing, the kids looked forward to his help. Therefore currently having no father figure in there life has greatly effected my family and my daughters are not the same with out him he was not only a father figure he was a friend giving advice when needed he was always there for all three of my kids. I say this with great honor "my husband", because despite what he was accused of I know the real man that stands before you. I know him for the love and bond he shares with my children, the firm position he had taken from day one when we fell in love. He was the one who kept everyone on their toes and no one dared to cut school or simply choose not to go. He was the one that instilled in them that not having an education you simply wouldn't stand a chance in life. His method worked my son is a pre med student and studying hard to make it to medical school. He is solely focused on helping others like his stepfather and I always did. I assume the role Walter has taken as a father figure at such a young age has made him more special because of the lack of parental figures he had in his life.

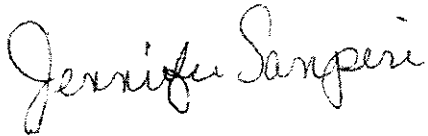
However, he has his new family to count on and to care for him. We are his support system we have a strong bond and no one can tear us apart. When I sat in court and heard that there would be a chance my husband would be deported, my heart my dreams had shattered. We had high hopes of starting a new life and our own little family together once we were married. If my husband is deported I don't know what I would do without him, or what my kids would do if he were to leave us forever. I do know this we will forever be heart broken; I would worry how he would survive with out us. America is his home and where his true family is I pray every night that he comes home to us and if not I pray he can just come home and get the treatment he needs and the ability to seek the happiness and the love that he so much deserves.

Walter was 5yrs old when he came to America and was a young man of 17 when his mother moved back to Italy and he was left here with his older brothers who weren't much older then him. As a young man he worked hard for his older brother and had a dream to become a professional baseball player, which was ripped away from him when he was involved in a serious car accident that ruined his chances at pitching for a major league baseball team and his scholarship went along with his dreams. There are many things that Walter is great at and one of the many things aside from baseball is being a great husband, father, son, brother and friend, something that only you can allow him to continue to be.

Your honor Walter has gone through so much in such a short period of time, he went from being brutally stabbed in his spine for trying to help a situation that should have never escalated into what it did. My teenage son's 9yr old half brothers were playing in a school yard an argument erupts over a ball and two grown adults tried to kill my teenage boy who was watching his little brothers and sister play in the schoolyard in of may 2010, Walter trying to save his stepson was immediately paralyzed that day and from that day forward he has been suffering from a great deal of pain. He and I were unable to afford the treatment he so desperately needed and deserved. Therefore in Aug of 2010 Walter had no choice but to go back to a country he was no longer familiar with just to receive the medical care he needed. And with very little care received due to the fact his injury was very new and serious there wasn't much he could do right away. Within that time Walter would meet often with his neurologist and discuss treatment methods hoping to get better and get back to his family when he was taken by the feds in January 2011, where he was later sent to jail in Italy and moved from one jail to another.

Throughout all this my children and I had no communication with Walter until he was brought back to America in June of 2011. Within this time my children and I have not been able to see him very often and only wish that come his sentencing day that you would take into consideration the time we lost from his pain and suffering, to the time he served in jail. Your Honor please consider time served, my children and I would be forever grateful and if I could ask for one more wish it would be that he receive time served and come home to us and if you were to decide that he did not deserved a sentence of time served I would be crushed but I would respect your wishes. However I hope you do see that Walter is a very good man and if you were to give this sentencing to anyone you would be giving it to a good man, a loving husband father and friend. Thank you in advance and for taking the time and reading all of our letters.

Respectfully yours,
Jennifer Samperi

A handwritten signature in cursive script that reads "Jennifer Samperi". The signature is written in dark ink and is positioned below the typed name.

Alissa Romano
8792 Bay 16th Street
Brooklyn, New York 1124

March 30, 2012

Honorable Frederic Block
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Dear Honorable Frederic Block:

I would like to introduce myself my name is Alissa Romano I 'am 14 years old and I'm the stepdaughter of Walter Samperi. I know Walter since I'm 4years old and he has been apart of my life ever since. Walter has been with my mom for the past 10years and he is what makes my mom the happiest I ever seen her, Now that he is gone she is very sad all of the time. I can relate to that because he has been the most important person in my life next to my mom and brother and sister. Considering I have a dad and my dad could care less if he even talks to me, Walter gets 15 minuets a day to speak to us and the first thing he does is asks for us and to speak to us wondering if I'm going to school and getting there on time, If I did my home work That has to be the highlight of my day hearing his voice and knowing he still cares

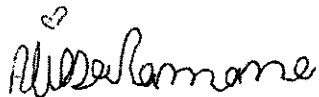
Your Honor I know he made mistakes in the past everyone does but I think he has paid enough with getting hurt and not being able to walk like you and I. He has been in jail for so long and away from us to long he has been moved to so many different jails at least seven of them I know and we have lost contact with him for a very long time. It breaks my heart because I love him so much and I was there in the hospital when he was paralyzed and he suffered so bad in pain and I never seen him so sad in my life. I just wished I could have fixed him and made him back to the way he was. I just hope that you can find it in your heart to send him home to a family and all his friends that love him more then you will ever know. Walter is the only one that has ever understood me, and that makes me happy and since he is gone it's impossible for me to smile. And this is also true for my mom she is crushed her husband is gone and they just got married and then six months later he was paralyzed then went to jail while he was getting treatment.

My birthday is April 4th I will be 15 years old and so far Walter has missed enough birthdays of mine. He is the one that always helped me plan my birthday's and the last birthday he made was extra special he knew I was upset that my dad didn't show that he made sure to make me and my friends laugh all day long as big as he is he got on ice skates and taught us all how to ice skate. He looked funny cause he was even taller and my friends were having so much fun even the kids that were to shy to skate he got them to skate. I was very happy that day. I know he will never ice skate with me again because physically he can't, But I hope to find a new way we can share and have fun together. Your honor I know his sentencing day will be April 13th So I will wait until you decide if he can come home to a family that loves and cares for him and will take good care of him, As he has always done for us. I pray every night that we can see him again and do the fun things we always have done as a family. Feeding the ducks in the park was our thing since I was little and then breakfast and then off to school he would take me. I actually enjoyed going to school more back then I do know. I know Walter has learned his lesson cause he says jail is horrible and it doesn't pay to be bad if that's were you will end up, And then tells me to behave and stay out of trouble and to stay away from people who get in trouble.

So your honor I know I 'am asking for a lot but please take all of what I have written to you and take that into consideration when you decide his punishment and consider time served and let me have my dad back I already have one that isn't here because he doesn't want to be here, But Walter does and he loves me more then anything and I just want the chance to show him how much I love him back and that we want him back where he belongs to a family that loves him more then any thing in the world. If you decide time served my family and I will be very grateful

Sincerely

Alissa Romano



Ashley Reynolds
8792 Bay 16th Street
Brooklyn New York 11214

Honorable Frederic Block
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Dear Honorable Frederic Block:

I am writing this letter in regards to the sentencing of my stepfather Walter Samperi. I'm not asking for much, just that if you can please be lenient on his sentencing. I know he was recommended time served I know you have the last and final decision regardless. So if you were to release him on April 13th back home where he belongs with his family and friends it would be really appreciated. Your Honor If Walter wasn't such a great man and loving father to me I wouldn't be writing this letter today, but he is and also a good friend to many others.

Your honor my name is Ashley Reynolds I am the stepdaughter of Walter Samperi. When I was nine years old Walter became a huge part of my life not only did he become the only father figure I ever really had, he became my best friend. For 10 years now he has never let me down nor has he stopped loving and caring for my mother, brother or my sister and I. When Walter was around I never messed up, he always encouraged me to go to school and become someone important in life. However, since 2010 when he was basically taken away from us, my life hasn't been the same. And it really affected our family as a whole, and still is till this day. As you may know Walter is paralyzed and isn't getting the right treatment that he needs. I feel that he has suffered more then anyone should and still managed to do his time.

I love him so much and if I could trade places with him and he could get the treatment he needs I would, or even if I had the power to take away his pain I would. He never deserved what happened to him no one does especially when it was because my half brother who was 9 at the time was fighting with a school mate over a ball and two men decided to take it out on my other brother, this nonsense caused my Stepdad to be paralyzed while trying to save my brothers life. The Doctors say he will forever suffer in pain because the spinal cord was cut from the knife and that is where all our nerves and pain sensations come from. I remember my mom giving him a bath when he came home from the hospital, of course he could not bath himself. There was a drip in the valve and for twenty minuets the water dripped onto his foot and the landlord had the water temperature to high almost 200 degrees and it melted the top of his foot. Walter doesn't feel any temperature or pain sensation in his legs, I worry everyday that this will happen again because he almost lost his foot from a severe infection and 3rd degree burns because he doesn't have the proper circulation like we do. This is a very dangerous condition not being able to feel when you are hurting your self.

So please your honor if you could find it in your heart to just give me my father back I would be more than thankful and that's on behalf of Walter and my family as well. Your honor please take this letter into consideration I love, miss and care about Walter to much to see him suffer another day in jail.

Respectfully yours,
Ashley Reynolds

A handwritten signature in black ink, appearing to read 'Ashley Reynolds', written in a cursive style.

March 27, 2012

Christopher Reynolds
8792 bay 16th street
Brooklyn, New York 11214

Honorable Frederic Block
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Dear Honorable Frederic Block,

I am writing this with confidence and pride in my stepfather Walter Samperi, as I truly in my heart know what an amazing human being that he is. Walter has always been there for me ever since the first day I met him when I was 11 years old. He would always buy me nice clothes and school supplies so that I wouldn't be embarrassed in front of the other kids who had more than I did. He always gave my sisters and I everything he had. He gave to us even when he didn't really have much and he thought of us even before he thought of himself; he was always putting others before himself. Walter is my family; my friend and I look at him as my biological father. My father has not been in my life and never was a good father even recently I tried to spend time and he said he didn't have time to see me when I got into why he proceeded to curse me and tell me I'm worth nothing and will be nothing and a nobody. I won't even get into what other hurtful things he says to me but there was always a void in my life, having one parent until Walter came into my life and filled that void. He was very young when he met my mother and just to think at that time, a 23 year old man practically still a young man, had taken on a woman with three children that were not even his own and became a better father and support team then our own father could ever be.

Walter is a very special man and there is no one in this world that I believe could fill his shoes. This man has been through so much in his life and has been nothing less than great to everyone he has encountered in his life. Ever since I was younger, he always taught me to do well in school and make something out of my life when I grow up. He always stressed that I do my best and that school and education is very important and he gave me the confidence and extra push that I needed. He told me that I could do anything I want in life as long as I set my mind to it and never give up. I am still to this day living up to his words and advice and I will always remember all of the good things that he has taught me in becoming the man I am today no thanks to my father. As of today, I am a pre-med student studying to get into Medical School to become a Doctor one day, and this would not have been possible without the strong support he has given me, and the confidence that he instilled in me. Besides being a great role model, he has fought a long and tough battle and has even put his life on the line for me.

On May 16th, 2010, Walter risked his life for me. This is a day that I will never forget in all my life. I was playing basketball in the park with my little brothers when two men started trouble with me because my younger brother and one of the man's sons got into an altercation and put the blame on me. Little did I know, that this would of blown up into something much bigger than it really should of. The men threatened me, and told me that they were going to kill me. At first, I did not take them seriously, but I called Walter and told him what had happened and what the men had said to me, and he immediately headed down there to the rescue. When he got there to talk to them, the men did not want to talk and they found him as a threat, because of his size I believe. As he was in the middle of talking to them and trying to find out what was going on, the men abruptly attacked him and a brawl occurred. As Walter and one of the other men were fighting, they ended up on the floor and suddenly, the other man's friend pulled out a knife. This is the part that affected Walter, as well as my family and my own life drastically forever. The man then proceeded to stab Walter right in his back, severing his spinal cord and paralyzing him from the waist down. This moment will forever be stuck in my mind. Walter put up such a great fight against his paralysis and no matter the condition he was in, he still managed to be the amazing man he was when I first met him, in spite of what those men did to him and how they ruined his life. If his courage and bravery does not show how much of a hero he is then I do not know what will.

I love Walter with all of my heart and will forever be grateful for what he has done for me since the day I met him till now. I don't believe that there is anything that I could ever do to repay him for all that he has done for me and helped me with. I will do everything in my power to take care of him and have him in my life again. I need my father back in my life so I can continue where we left off and have a normal life again. I could not picture a happier moment in my life than seeing Walter's face again, knowing that he is home to stay and that I will never lose him again. The appreciation would be endless if you would consider time served so that he can come back home to his family. Nothing in this world would mean more to me than for him to come home to us. Thank you very much for taking the time out to read this letter and acknowledge my love and respect for Walter. I hope you now can see Walter for the wonderful man that he really is despite the fact of what he is being charged for. It has been much too long since I last saw him, and I miss him more than words could explain. Let my hero come back into my life again, where he rightfully belongs I' am lost without him.

Respectfully Yours,

Christopher William Reynolds

A handwritten signature in black ink, appearing to read "Christopher Reynolds", written in a cursive style.

To the Honorable judge **Frederic L. Block**

my name is Anthony Samperi I'm Walter Samperi older brother, who's being sentence by your honor

I just want to let you know little about my brother Walter who I bought up ,(after my parents got sick and left the USA in 97' to go back to Italy).

my brother Walter is a very lovable and sensitive person he helps anyone in need ,a gentle giant,a good nature individual.

in 2002 Walter met a woman after dating a short while they moved in together .He's present wife now.

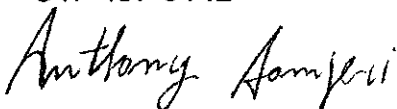
she has 3 children from a previous marriage ,and Walter took care of those kids like is own, married their mom,and took care all of the financial responsibility.

after high school Walter took a job with my older brother Sal ,in he's home

improvement business, after few years on that job ,Walter worked for me in my flower shop until 2005,I believe my brother Walter trouble started when he met older people,the wrong people it turns out.I have spoken to my brother on many occasion since he's been in prison the last 15 months and I know for a fact the lesson he has learned,a very important lesson like to value he's freedom,and how he is going to stay out of trouble,when he come out.Judge block i know that you know my brother has a spinal cord injury,I know he's in a lot of pain I hear and see he's pain he really need to start a medical treatment ,to start seeing a doctor for nerve damage ,and eventually Walter's needs a surgery to he's damage spinal nerves.the family has made arrangements for Walter health care in he's native Country of Italy,we are hopeful that he receives this care sooner rather then later 15 long months have gone by and at some point Walter spinal disc will start to fuse together where it would be much more painful and harder to fix,the Samperi family sincerely apologize for what Walter did, and we thank your Honor for your time and consideration and compassion.

Anthony Samperi

6805 7th avenue
Brooklyn, NY, 11220
347-497-5142



Danielle Cannistraci
157-30 88th street
Howard Beach, NY 11414

March 24, 2012

United States District Court

Eastern District of New York

Criminal District

To The Honorable Frederic Block:

I am writing the following character letter regarding Walter Samperi. I have known Walter for over ten years, he is married to my first cousin, Jennifer.

I am aware of the charges Walter has been named in and I understand the severity of them, but I am appreciative of this opportunity to describe the type of person Walter truly is.

Walter is a great husband and step-father to Jennifer's three children. He has been a very influential part of their lives from an early age. Walter has always encouraged the kids to do well in school, to study for tests and to graduate. He would help them with homework, study for exams, and even helped his step-son select a college. Since they never had children of their own, Walter treated Jennifer's children like they were his biological kids, which was extremely crucial in their upbringing due to the fact that their own father was absent. I know they would want nothing more than to have their step-dad home with them again.

Being newly married at the time, Walter and Jennifer were looking forward to starting a family of their own, unfortunately, due to unforeseen circumstances and life-changing events, Walter and his family's lives have dramatically changed. Less than a year of being married, Walter was hospitalized and told that he would never walk again and he would not live with the same quality of life he once had. After months of hospitalization, physical therapy, and lack of appropriate medication, Walter was indicted in this matter. Now that his turmoil is finally coming to an end, I am sure Walter values his life, his freedom and his family even more than before. When sentencing Walter, please consider leniency and compassion when you make your final decision. I know that Walter and his family want nothing more than to be reunited again.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Cannistraci". The signature is written in dark ink and has a long, horizontal flourish extending to the right.

Danielle Cannistraci

Cannistraci Family
157-30 88th street
Howard Beach, NY 11414

March 27, 2012

United States District Court

Eastern District of New York

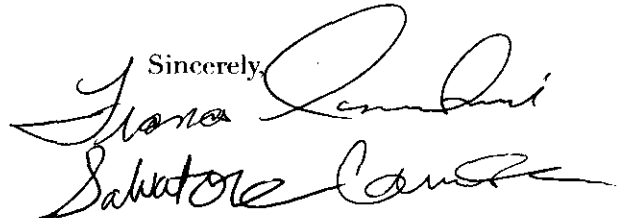

Criminal District

To The Honorable Frederic Block:

We are writing the following character letter in reference to Walter Samperi. Walter has been a part of our family for over a decade. Walter became our nephew through marriage when he married our niece Jennifer.

We would like to take this time to describe to you Walter's true character. Walter is not only a very caring and loving nephew, but husband, step-father, cousin, and friend. He is a man that walks around with his heart on his sleeve. Walter has spent numerous occasions at my house with my family. We have celebrated and spent quality time during holidays, birthdays, BBQ'S and weekly Sunday dinners. During these times, we would rely on Walter's height to help us reach things that were definitely out of reach for the average person. Also, he always offered a helping hand to take out the garbage, to clean up the mess from dinner and to go to the store whenever we needed something.

Walter was always great with kids. At my house, we would often find him in the back yard playing with the little ones. He would often chase them around the yard, go swimming with them or play catch. We will never forget that Walter and his wife were the first people up at the hospital to greet my first granddaughter when she was born. I can still recall his genuine display of happiness when finally meeting the newest addition to our family. Walter was just as eager to start a family of his own. We always knew that he would be an excellent father due to his great love and affection for children of all ages. We hope that Walter is finally coming to an end of this negative experience so that he can put this part of his life behind him and start fresh. I know that Walter would want nothing more then to be home again with his family and to begin building a brighter future. Please consider leniency when sentencing Walter, we would love to have him back at my house celebrating holidays and spending quality time during Sunday dinners.

Sincerely,



Frances & Salvatore Cannistraci

Terese Flanagan
8012 13th Avenue
Brooklyn, NY 11228
347-268-3488

March 14, 2012

To,
Honorable Fredrick Block
United States District Court
225 Cadman Plaza Court
Brooklyn, New York 11201

Your Honor,

I am writing in reference to DIN: 05701748, which involves Mr. Walter Samperi, who is being sentenced.

I have known Mr. Samperi for fifteen years now, and we are friends in the same neighborhood. I am a fifty three year old single mother of four children. I believe I am in a position to speak about Mr. Samperi's moral character, so I hope you will take this letter into account when making your decision.

Mr. Samperi is, in short, a good person. I remember when Mr. Samperi and my son played football, he always said my son has a great arm and should play pro. He has always been kind and generous with me. I remember this one story, I walk 18 blocks to work and home, in 2007 a cold November month, this young man out of the blue, picked me up every morning and drove me to work. He has a strong sense of duty, which applies in his family, and friends. He also possesses a great deal of integrity, and constantly strives to make sure he is doing the right thing. Protecting his child, Mr. Samperi was stabbed in his back. Mr. Samperi has suffered and endured a great deal of pain do to this unfortunate act.

It must be difficult for you to make decisions like this when you don't actually know the person standing in front of you, so I hope you will look at my letter and the countless others you're receiving, and understand that Mr. Samperi is the kind of person around whom people rally. That has to say something, so please let that be a factor in your decision.

Thank you,

A handwritten signature in black ink, appearing to read "Terese Flanagan", with a stylized, cursive script.

Terese Flanagan

Vincenzo Vitello
1304 67th street
Brooklyn NY, 11219
(347)203-3760

March 14, 2012

Honorable Frederic Block
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Dear Honorable Frederic Block:

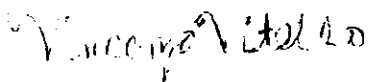
My name is Vincenzo Vitello and I'm a close friend of Walter Samperi whom I consider an older brother that I never had, I've known him since we were about 5 or 6 so that's basically my whole life. And ever since I have known him he's always been a real friend and always there whenever you need him he is always looking to help someone out before himself he would give his shirt off his back and give his last dollar in his pocket.

I would know that from a personal perspective because my family and I struggled for quite some time. And even if he didn't have much money for himself or if he had twenty dollars he would offer ten of what he had. Walter is a generous person, and all around a great person to be around and always making people laugh and has such an awesome personality. I remember when we were little and Walter had come to this country when he was 5 years, and it was very hard for him to adjust at first because he spoke another language. We got along great because we spoke the same language and once they got to know him he made friends that would last. He was always the one that would hang out with the kids that everyone picked on and he would tell people it wasn't right, just because they couldn't play baseball as good as we could he would then teach them how to play so everyone would stop teasing them.

I mean what more can I say Walter is a great person overall with a huge heart I can go on and on of how much of a great person Walter is, but I guess you know that already from other letters I'm sure you received by now. Recently losing my father has made me very depressed, He was my best friend next to Walter and if I lose Walter I don't know what I will do. I just hope and pray he could come home and life can go back the way it used to be. If you can find it in your heart to make this happen I will be forever grateful to you. Your Honor you wouldn't be making a mistake, you would be making so many people happy if you do. Walter has made mistakes in his past and I'm sure he has learned from them. However the good he has done in his life has definitely overruled the bad. Many people have benefitted from the goodness in his heart and I just hope you can see that and give him a second chance to show you.

Sincerely yours,

Vincenzo Vitello



Nicholas Vitale
60 Allen place
Staten Island New York 10312
718-808-5931

Monday, April 2, 2012

Honorable Frederic Block
United States District Court
225 Cadman Plaza east
Brooklyn, New York 11201

Dear Judge Frederic Block:

Please consider this letter when you are sentencing Walter Samperi, It would be great if you consider time served, because of all that he has been through. I met Walter when I was in elementary school, he has been like a brother to me ever since the best brother anyone could ask for I am 29 years old and this is the longest I have ever been away from him in my life. I know him since I was 8 years old, so needless to say I am struggling without my big brother being around. Walter lived around the corner from me almost my whole life we immediately grew close because our fathers shared the same disease, diabetes and we felt each others pain. A few years passed and we were playing little league baseball together we were good, With my father as the coach and Walter as the star player, they began a great relationship with each other shortly after Walter's father tragically passed away from this despicable disease, but he knew there was a second father and family right around the block. I couldn't get rid of him even if I wanted to. He and my father grew to be best of friends. By this time my father was very ill as well so I didn't know how to handle it but Walter went through it with his father and kept me strong.

When my father passed away about 2 years after his father Walter was destroyed It's sad to say but he was crying more than me and my mother all three days at the wake. He is a remarkable man and I just want you to see him as I do. He is the best friend I ever had and the best person I ever met he would risk his life for any friend and he showed it when he was stabbed several times in his back when he was trying to protect small kids in a local school yard. When I heard I just instantly thought oh its Walter he's been in other accidents before surviving a major car accident he's Superman Until I heard the severity of it. I went to see him in the hospital and saw the pain in his face when he looked at me as we both cried in the hospital room and he told me he'll never walk again. As bad as it was I thought to myself this is impossible, he can't be hurt like this, I would not accept it as I kept telling him to stop thinking about what the doctor said and just worry about feeling better and then get strong enough to get better. Assuring him that he would be playing softball with me in the summer and sponge ball in the school yard before he knows it However, I was wrong he was taken away from me by the police. So please when you are sentencing him just give thought of what he would be leaving behind a huge family that loves him dearly, He is the greatest husband, friend, stepfather, son and brother and most of all a great person. The best person I ever met in my 29 years of being on earth. So please consider time served and let me have my big brother back when you can I wouldn't want him to miss the birth of my second child he has already miss being the best man at my wedding. Thank you for taking your time and your consideration in reading our letters and I hope we were able to show you the man who Walter really is.

Sincerely,

Nicholas Vitale



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Re: United States of America V.
Walter Samperi
11-CR-0004 (FB)

V.

WALTER SAMPERI,

Attn: Cheryl Fiorillo
Senior United States Probation Officer

Objections To Pre-Sentence Report

I object to the following sections of the Pre-Sentence report.

1- Paragraph 2 "Legal Address "Undomiciled"- Mr. Samperi indicated to the probation officer that he was legally married and gave his legal address as 8792 Bay 16, Brooklyn, NY 11214. We respectfully request that the address replace the word "Undomiciled".

2- Paragraph 17 and Paragraph 25- These paragraphs omit two points off for minor role in the offenses. In the plea agreement the Government gave the Defendant two points off for his "Minor" role in the racketeering acts that he admitted to. The Government had first hand information of Mr. Samperi's involvement or lack of involvement in these acts. Therefore, without further explanation we respectfully suggest that the Defendant be given at two points deduction as a role adjustment.

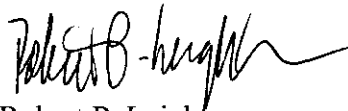
3-Paragraph 11- States that Mr. Samperi was employed by the "Colombo Family". There is no evidence that the Defendant was "Employed" by the Colombo Family. The Defendant did admit that he was "associated" and was part of the enterprise named in the indictment. To be

clear the objection is to the word “employed” and we respectfully request that the word be stricken from paragraph 11.

4- Probation has omitted an additional 2 point deduction for a “Global” plea. The Government required 20 or more Defendants to plea guilty under the “Russo” Indictment ,11- cr- 0030 and indicated that the Defendant’s would all receive a two point additional reduction and that agreement included Walter Samperi.

If you have any questions please do not hesitate to call. Thank you for your time and consideration in this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Robert P. Leighton', with a stylized flourish extending to the right.

Robert P. Leighton

Attorney for Walter Samperi

cc: Elizabeth Geddes Esq.
Allon Lifshitz
Assistant United States Attorney's

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

**DEFENDANTS SENTENCING
MEMORANDUM**
11-CR- 0004 (FB)

WALTER SAMPERI,

Hon. Frederic Block
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Submitted by
Robert P. Leighton
Attorney for Walter Samperi
132 Nassau Street Suite 900
New York, NY 10038
Phone: (212)267-6019
Facsimile no.:(212)619-2390

ROBERT P. LEIGHTON

ATTORNEY AT LAW

132 NASSAU STREET, SUITE 900
NEW YORK, NEW YORK 10038

TEL. NO.: 1(212) 267-6019

FACSIMILE NO.: 1(212) 619-2340

E-MAIL: BOBMYWAY@YAHOO.COM

March 28, 2012

Hon. Frederic Block
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: US v. Walter Samperi
Indictment: 11-cr-00004(FB)
Sentencing Memorandum

Dear Judge Block,

The defendant is scheduled to be sentenced in the above matter before your Honor on April 13, 2012 at 4pm.

I make the following submission on half of Mr. Samperi. Walter Samperi is respectfully requesting a Non-Guideline sentence of "Time Served" as recommended by the U.S. Probation Department in the Pre-Sentence Report.

It is further respectfully requested that no fine be imposed because Mr. Samperi lacks the resources and financial means to pay any fine that may be imposed.

I. INTRODUCTION

On August 12, 2011, The defendant pled guilty before Magistrate Judge Marilyn D.GO. to a single count indictment. This plea was pursuant to a plea agreement entered into by the defendant, Mr. Samperi and the U.S. Attorney's office dated August 12, 2012.

The one count indictment charged a racketeering conspiracy covering the years 2004-

2011 and 2 racketeering acts committed during this period. One racketeering act was a charge of extortionate collection of credit conspiracy and the second racketeering act was a marijuana distribution conspiracy.

We will not repeat all the facts that were the basis for these charges because the Pre-Sentence Report covered these in detail.

In all my years of practicing criminal law I rarely found myself agreeing with the recommendation of the Probation Department concerning a defendant's sentence. Because of The Probation Department recommendation of "Time Served" we will try to stress other relevant factors in order to obtain the "recommended" sentence.

II. APPLICATION OF UNITED STATES SENTENCING GUIDELINES

There is a difference in the guidelines calculations between Mr. Samperi's plea agreement and the Pre-Sentence Report. Although the Pre-Sentence recommendation of "Time Served" as the sentence for Mr. Samperi, The calculation of his guideline is a total offense level of 19 and a criminal history category of I. This level carries a range of imprisonment of 30-37 months.

The plea agreement between the Government and Mr. Samperi puts Mr. Samperi at a level 17 and with a criminal history category I his exposure under the guidelines is 24-30 months. In addition, the Government offered an additional 2 point deduction in the guideline calculation to Mr. Samperi in his Plea Agreement if 20 or more defendants in the United States v. Russo case (11-CR-0030(SLT)) pled guilty. This has occurred. Therefore the guideline calculation for Mr. Samperi pursuant to the Plea Agreement is a level 15 and a range of 18-24 months of imprisonment. It should be noted that those who pled guilty in the "Russo" indictment were also offered the extra 2 point deduction from their calculated guidelines.

III. FACTORS THAT SUPPORT A NON-GUIDELINE SENTENCE OR A DOWNWARD VARIANCE PURSUANT TO 18 U.S.C. § 3553 (a)

Mr. Samperi is 32 year old. He was born on July 25, 1979. In 1985 his parents and family came to the United States for a better life. The defendant was 5 years old at the time. The family had US visas when they arrived. During their stay in New York and the United States the father, two brother's and sister obtained green cards. Eventually 1 of the brothers (Anthony) became a citizen. In 1997 when Walter was 17 years of age his mom and dad moved back to Italy and Walter was raised by his brother, Anthony.

According to his brother, Anthony, Walter had a good childhood and a good relationship with his family, and it wasn't until Walter started hanging out with older people in the neighborhood that his problems started.

Walter pled to a racketeering conspiracy and to two racketeering acts in the indictment. One act occurred in 2004 and the other in 2005. Mr. Samperi had 2 other brushes with the law. Two in 2005 where he received a conditional discharge on an Assault Misdemeanor and obtained a not guilty verdict on a jury trial. In April 2010 Mr. Samperi was arrested on a burglary charge in Kings County and as of this day, today, I have been informed that the District Attorney office in Brooklyn is going to dismiss that case during the 1st week in April.

The probation report has outlined in great length the present physical condition of Mr. Samperi. He is in pain and walks with a cane. Prior to his incarceration at the MDC in Brooklyn Mr. Samperi was able to obtain the necessary pain relief medication like (Oxycodone) to alleviate his pain. Once Mr. Samperi arrived at MDC, He was provided with other medication but because of Bureau of Prisons restrictions on Narcotic medication he has not been able to

obtain medication strong enough to relieve the pain that has resulted from his stab wound.

The Pre-Sentence Report explained the diagnoses of Lutheran Medical Center that Mr. Samperi suffers from Brown-Sequard Syndrome. (See attached Medical Report- Exhibit A). This is a neurological condition caused by lesions on the spinal cord. Also explained in the Pre-Sentence Report is the event which caused this injury to Mr. Samperi. His Wife's young son had a problem with another youth in the school yard. When Mr. Samperi was informed of the problem he went to the school yard and found that there were 2 adults abusing his wife's son and when Mr. Samperi inquired about the problem a fight started and he was stabbed in the back with a knife by one of the 2 adults. Mr. Samperi was rushed to the hospital on May 16, 2010 where he was paralyzed for several days.

Because of good medical care, therapy and medication Mr. Samperi regained movement in his legs and was able to walk with a cane. The last sentence, of paragraph 69 in the Pre-Sentence Report states " A discharge summary diagnosis noted spinal cord injury with left lower extremity paralysis." (See Medical Report-Exhibit B).

Mr. Samperi was released from the Hospital on May 24 and was an out patient for Physical Therapy and was given prescriptions for (Oxycodone) to give him some relief from the pain. After several months he found that he could not afford to pay for his therapy and medication and had no choice but to leave the United States and go to Italy where he could receive free medical services and medication. Mr. Samperi had another problem. He had an open Felony case in the Brooklyn Supreme Court. When he left both he and his Wife wrote to the Supreme Court Judge and informed the Judge of Mr. Samperi's problem and why Mr. Samperi had to leave the Country and notified the Judge of his whereabouts.

Mr. Samperi was indicted in late 2010 for this present case, and was arrested in Italy on

Mr. Samperi was indicted in late 2010 for this present case, and was arrested in Italy on January 2011 and eventually waived extradition and was brought to the United States and to the Metropolitan Detention Center in Brooklyn, in June of 2011. Since his arrival at MDC he had ongoing problems dealing with his pain because of the restriction on the type of pain relief medication that is available in the Bureau of Prisons. As Mr. Samperi attorney since his arrival at MDC I can attest to the many communications that I had with the legal counter parts at MDC in an attempt to obtain the necessary pain killers. I was not successful and Mr. Samperi suffered. After many attempts however we were able to obtain an updated MRI of Mr. Samperi's spine on January 5, 2012. This information identified that Mr. Samperi still has spinal damage. (See Medical Report Exhibit C).

CONCLUSION

Judge Block, I do not believe that anyone will contest the fact that Mr. Samperi has a serious injury that causes him pain. He can not receive the necessary Medical Treatment at MDC, and he has not received the necessary medical care since arriving at MDC. Because of the Narcotic restrictions he would not be able to obtain the necessary Medications or Medical Treatment if he was given additional prison time.

According to Mr. Samperi's Plea Agreement with the Government his guideline calculation is 18 to 24 months. He has already been incarcerated because of the Federal Indictment for 15 months.

The pending Felony charge in Brooklyn Supreme Court will be dismissed. The defendant is facing deportation at the end of his prison time and will Voluntary agree to deportation.

The defendant has already suffered more than most inmates because of his physical condition. Therefore you Honor we are suggesting a Non- Guidelines sentence of "Time Served"

circumstances this sentence would be sufficient but not greater than necessary to comply the purpose of T.18 U.S.C. § 3553(a).

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Robert P. Leighton", with a stylized flourish at the end.

Robert P. Leighton (3624)

Attorney for Walter Samperi

cc: Elizabeth Geddes AUSA

Allon Lifshitz AUSA